

MICHAEL K. ALLEN
HAMILTON COUNTY PROSECUTING ATTORNEY

CIVIL DIVISION
230 EAST NINTH STREET, SUITE 4000
CINCINNATI, OH 45202-2174
PHONE: 513 946-3040
FAX: 513 946-3018
WWW.HCPROS.ORG
WRITER'S DIRECT DIAL NUMBER
513-946-3071

October 6, 2003

Lucian Bernard, Esq.
Pearson & Bernard
1224 Highway Ave.
Covington, KY 41011-1073

Re: Breitfelder v. Leis

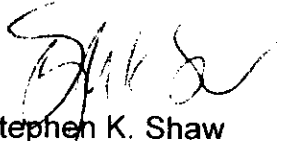
Dear Lu:

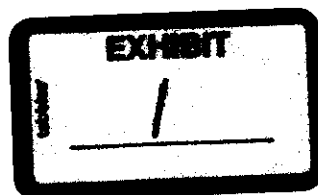
As you know, the Court issued an order requiring your client to pay for the cancellation fee of Dr. Manges. I am enclosing his statement for payment. Please send payment, payable to Dr. Manges, to my attention so that we may forward it to him. At this time, I do not intend to press for payment of the attorney fee award as we can perhaps best factor that into our settlement discussions. My primary intention was to obtain the order requiring payment of this overdue bill.

I do not see a lot of downside risk for the county in this case. We are both about to expend substantial time briefing motions for summary judgment or in opposition to same. If you have a settlement demand to propose, we would be happy to consider same as we prepare our motion for summary judgment.

I look forward to hearing from you.

Very truly yours,


Stephen K. Shaw
Assistant Prosecuting Attorney





**Dr. Kenneth J. Manges
& Associates Inc.**

Evaluation, Treatment &
Consultation Services

The Kroger Building, Suite 1825
1014 Vine Street
Cincinnati, Ohio 45202
(513) 784-1333; Fax (513) 357-4709

Invoice

| DATE | INVOICE # |
|------------|-----------|
| 04/05/2003 | 4897 |

BILL TO

Stephen K. Shaw, Esq.
Hamilton County Prosecutors Office
230 E. Ninth Street Suite 4000
Cincinnati, Ohio 45202

DESCRIPTION

AMOUNT

| | |
|---|--------|
| Missed Interview RE: Joseph Breitfelder Date: April 9, 2003 Due upon Receipt. A return copy of this invoice is appreciated. | 250.00 |
|---|--------|

Thank you for using our services. We welcome your referral and the opportunity to help you and your clients.

Federal Tax I.D.#: [REDACTED] 9228

This invoice does not include a charge for a consultation, report or review of deposition.

Please print **THIS IS AN ATTEMPT TO COLLECT AN UNPAID BALANCE DUE ON YOUR ACCOUNT. PLEASE CALL OUR OFFICE TO SET UP PAYMENT ARRANGEMENTS OR FORWARD BALANCE DUE. THANK YOU FOR YOUR PROMPT ATTENTION TO THIS MATTER.**

Please remit to above address.

Total

\$250.00

MICHAEL K. ALLEN
HAMILTON COUNTY PROSECUTING ATTORNEY

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PHONE: 513 946-3040
FAX: 513 946-3018
WWW.HCPROS.ORG
WRITER'S DIRECT DIAL NUMBER
513-946-3071

December 15, 2003

Lucian Bernard, Esq.
Pearson & Bernard
1224 Highway Ave.
Covington, KY 41011-1073

Re: Breitfelder v. Leis

Dear Lu:

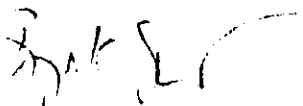
On October 6, 2003, I asked you to forward payment of the Cancellation fee of our expert. I had hoped to avoid the administrative headaches we have since encountered, first responding to the repeated requests of the doctor's office for payment and then the paperwork needed to submit the bill to the Auditor and to then apply for reimbursement. I also had hoped that this gesture might encourage settlement discussion to avoid the filing of a motion for summary judgment.

Unfortunately, you have not responded to my request for payment. As a result, we have now expended substantial paralegal time and substantial time preparing forms and responding to telephone calls regarding this matter. We have also prepared and filed our Motion and are now preparing our response. We will now have to submit the reimbursement to the Auditor for the check he has written to the vendor.

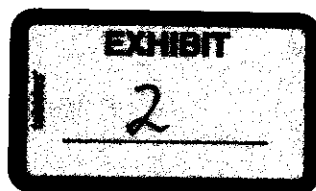
As a result, I have been instructed to require payment of the attorney fees that were ordered by the court. Please recall that the Court's order requires reimbursement by December 31, 2003. Please forward your check, payable to Michael K. Allen, Hamilton County Prosecuting Attorney, in the sum of \$670.00 to my attention by December 31, 2003.

I look forward to hearing from you.

Very truly yours,



Stephen K. Shaw
Assistant Prosecuting Attorney



MICHAEL K. ALLEN
HAMILTON COUNTY PROSECUTING ATTORNEY
CIVIL DIVISION
230 EAST NINTH STREET, SUITE 4000
CINCINNATI, OH 45202-2151
PHONE: 513 946-3040
FAX: 513 946-3018
WWW.HCPROS.ORG
WRITER'S DIRECT DIAL NUMBER
946-3136

January 6, 2003

Lucian J. Bernard, Esq.
Pearson & Bernard, PSC
1224 Highway Avenue
Covington, KY. 41011-1073

Re: Joseph Breitfelder v. Hamilton County Sheriff Simon L. Leis, et al.


Dear Mr. Bernard:

Enclosed please find a copy of the correspondence directed to you, dated December 15, 2003 and a copy of the Court Order dated September 9, 2003, regarding the above-captioned matter.

To date, we have not received a payment from you. As indicated by the Order, "**Accordingly, Plaintiff shall reimburse Defendants in the amount of \$670.00, payable on or before December 31, 2003.**"

Please contact Assistant Prosecuting attorney, Stephen K. Shaw as soon as possible.

Sincerely,


Carolyn D. Blocksom, paralegal to
Stephen K. Shaw
Assistant Prosecuting Attorney

SMG/cdb
Enclosures



MICHAEL K. ALLEN
HAMILTON COUNTY PROSECUTING ATTORNEY

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December 15, 2003

Lucian Bernard, Esq.
Pearson & Bernard
1224 Highway Ave.
Covington, KY 41011-1073

Re: Breitfelder v. Leis

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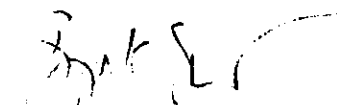
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I look forward to hearing from you.

Very truly yours,



Stephen K. Shaw
Assistant Prosecuting Attorney

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

**JOSEPH BREITFELDER,
PLAINTIFF**

**CASE NO. C-1-01-617
(BECKWITH, J.)
(HOGAN, M.J.)**

VS.

**SIMON L. LEIS, JR., ET AL.,
DEFENDANTS**

ORDER

Before the Court is Defendants' unopposed Motion for Sanctions (Doc. 24). It was represented that an independent medical examination was scheduled for February 25, 2003 with Kenneth J. Manges, Ph.D. Plaintiff failed to keep the scheduled appointment with Dr. Manges. As a result, the cost to Defendants is \$250 for Dr. Manges and \$420 in legal fees. Accordingly, Plaintiff shall reimburse Defendants in the amount of \$670.00, payable on or before December 31, 2003.

A second appointment for an independent medical examination shall be scheduled immediately. Counsel shall confer and schedule a date convenient to both Dr. Manges and Plaintiff.

The deadline for filing expert reports is extended to the Dispositive Motion deadline of October 31, 2003 and will not be extended again.

IT IS THEREFORE ORDERED THAT Defendants' Motion for Sanctions be granted.

September 9, 2003

s/Timothy S. Hogan
Timothy S. Hogan
United States Magistrate Judge